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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/561,642
Filing Date: April 04, 2006
Appellant(s): NEVALAINEN, MIKKO

Ditthavong, Phouphanomketh and Krass, Errol A.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 29 September 2009 appealing from the Office action mailed 07 January 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,630,159	Zancho	5-1997
6,052,122	Sutcliffe	4-2000
WO 01/86997 A1	Varland	11-2001
2002/0013869	Taniguchi	1-2002

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Demers, Alan et al. "The Bayou Architecture: Support for Data Sharing among Mobile Users" IEEE (1995), pp. 2-7

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5-8, 10, and 17 are rejected as obvious under 35 U.S.C. § 103 based on Varland (WO 01/86997) in view of Demers et al. ("Bayou Architecture") and Sutcliffe et al. (US 6,052,122).

Claims 3, 4, 18-20, and 22 are rejected as obvious under 35 U.S.C. § 103 based on Varland (WO 01/86997) in view of Demers et al. ("Bayou Architecture").

Claims 12-14 are rejected as obvious under 35 U.S.C. § 103 based on Varland (WO 01/86997) in view of Demers et al. ("Bayou Architecture") and Zanchi (US 5,630,159).

Claims 15 and 16 are rejected as obvious under 35 U.S.C. § 103 based on Varland (WO 01/86997), Demers et al. ("Bayou Architecture") and Sutcliffe et al. (US 6,052,122) in view of Taniguchi et al. (US 2002/0013869).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 5-8, 10, and 17 are rejected under 35 U.S.C. 103(a) as being anticipated by John Varland (WO 01/86997 A1, hereinafter *Varland*) in view of Alan Demers et al. (*The Bayou Architecture*, hereinafter *Demers*) in further view of Andrew B. Sutcliffe et al. (US 6052122 A, hereinafter *Sutcliffe*).

Regarding claim 1, Varland discloses a *method comprising*:

-receiving a preference profile including identification data and preference data related to at least another user, from a mobile terminal related to said at least one other user [Varland: Page 3 (2) Lines 1-2 and 9-14];

-saving said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user [Varland: Page 7 (6) Lines 19-23];

-comparing said received preference data with the preference data contained in the user database for determining users of substantially matching preference data [Varland: Page 3 (2) Lines 14-19];

-determining a plurality of users having said substantially matching preference data [Varland: Page 3 (2) Lines 14-19]; *and*

-sending a notification to each of said mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22].

Varland does not explicitly disclose that the receipt of information occurs *in a mobile terminal device related to a user* or that the comparing, determining, and

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receiving steps occur *in the mobile terminal device which received the preference profile*.

However, Demers teaches that such occurs *in a mobile terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

The combination of Varland and Demers (hereinafter *Varland-Demers*) does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of

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Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 2, the combination of Varland-Demers and Sutcliffe (hereinafter *Varland-Demers-Sutcliffe*) discloses *granting to each of said notified users an access to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 5, Varland teaches *a method comprising:*

-sending a preference profile including identification data and preference data of a user to a server connected to a wireless communication network, via said network [Varland: Page 3 (2) Lines 1-2 and 9-14], *wherein the server is a device with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26];

-receiving, in the server, the preference profile from a mobile terminal related to the user [Varland: Page 3 (2) Lines 1-2 and 9-14];

-saving said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user [Varland: Page 7 (6) Lines 19-23];

-comparing said received preference data with the preference data contained in the user database for determining users of substantially matching preference data [Varland: Page 3 (2) Lines 14-19];

-determining a plurality of users having said substantially matching preference data [Varland: Page 3 (2) Lines 14-19]; and

-sending a notification to each of the mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22]; and

-receiving the notification in the mobile terminal related to the user, said notification comprising an offer to get access to said multiple access online application [Varland: Page 3 (2) Lines 23-26] according to said preference data, wherein said notification comprises data to enable an access of the user to said multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another user* or that the comparing, determining, and receiving steps occur *in the mobile terminal device which received the preference profile*.

However, Demers teaches that *the server is a mobile terminal device and related to another user* [Demers: Page 3 Column 1 Paragraph 1] and that such steps would occur *in the mobile terminal device which received the preference profile* [Demers: Page 2 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

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Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 6, Varland-Demers discloses that *said wireless communication network is a cellular telephone network* [Varland: Page 5 (4) Lines 35-37].

Regarding claim 7, Varland-Demers discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

Regarding claim 8, Varland-Demers discloses that *said multiple access online application is a wireless communication network game* [Varland: Page 15 (14) Lines 15-22].

Regarding claim 10, Varland teaches *a computer-readable storage medium storing a computer program and when said computer program is run on a server, the server:*

-receives a preference profile including identification data and preference data related to at least another one of said users, from a mobile terminal related to said at least one other user [Varland: Page 3 (2) Lines 1-2 and 9-14];

-saves said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user [Varland: Page 7 (6) Lines 19-23];

-compares said received preference data with the preference data contained in the user database for determining users of substantially matching preference data [Varland: Page 3 (2) Lines 14-19];

-determines a plurality of users having said substantially matching preference data [Varland: Page 3 (2) Lines 14-19]; and

-sends a notification to each of said mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to a user.*

However, Demers teaches that *the server is a mobile terminal device related to a user [Demers: Page 3 Column 1 Paragraph 1].*

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user.*

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 17, Varland discloses *a network system comprising:*

- a wireless communication network* [Varland: Page 2 (1) Line 30];
- a server having access to the multiple access online application* [Varland: Page 3 (2) Lines 23-26] *and connected to the wireless communication network* [Varland: Page 2 (1) Line 30] *configured to receive identification and preference data for the other users of respective mobile terminal devices in preference profiles* [Varland: Page 3 (2) Lines 1-2 and 9-14], *compare the received preference profiles with stored preference profiles to determine users of substantially matching preference data* [Varland: Figure 1 ("Match DB")] *and send a notification to each of the users determined to have substantially matching preference data* [Varland: Claim 1 ("notification signal"); *and*

-a plurality of mobile terminal devices each storing identification and preference data for a respective user of each of the plurality of mobile terminal devices in a preference profile [Varland: Page 3 (2) Lines 1-4 and 9-14], each device configured to transmit a respective preference profile to the server [Varland: Page 3 (2) Lines 1-4 and 9-14] and receive a notification from the server [Varland: Page 3 (2) Lines 1-4 and 9-14] via the wireless communication network [Varland: Page 2 (1) Line 30] wherein the notification includes an offer to get access to the multiple access online application according to the preference data and data to enable the respective users to access the multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device related to a user.*

However, Demers teaches that *the server is a mobile terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user.*

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Claims 3-4, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by Varland in view of Demers.

Regarding claim 3, Varland discloses a *method comprising:*

-sending a preference profile including identification data and preference data of a user to a server connected to a wireless communication network, via said network

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[Varland: Page 3 (2) Lines 1-4 and 9-14] *with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26]; *and*

-receiving a notification from said server, said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another user*.

However, Demers teaches that *the server is a mobile terminal device and related to another user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Regarding claim 4, the combination of Varland and Demers teaches *accessing said application according to said received data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 18, Varland-Demers discloses that *said wireless communication network is a cellular telephone network* [Varland: Page 5 (4) Lines 35-37].

Regarding claim 19, Varland-Demers discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

Regarding claim 20, Varland-Demers discloses that *said multiple access online application is a wireless communication network game* [Varland: Page 15 (14) Lines 15-22].

Regarding claim 22, Varland discloses a *computer-readable storage medium storing a computer program and when said computer program is run on a computer or network device, the computer or network device:*

-sends a preference profile including identification data and preference data of said user to a server connected to said wireless communication network, via said network [Varland: Page 3 (2) Lines 1-4 and 9-14] *with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26]; *and*

-receives a notification from said server, said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another of said users*.

However, Demers teaches that *the server is a mobile terminal device and related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in further view of William F. Zanchi (US 5630159 A, hereinafter *Zanchi*).

Regarding claim 12, Varland discloses a *device* wherein said device is *configured to send a preference profile including identification data and preference data of said user via said interface and via said network to a server and configured to receive a notification from said server* [Varland: Page 3 (2) Lines 1-4 and 9-14], *wherein the server has access to a multiple access online application* [Varland: Page 3 (2) Lines 23-

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26], *said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a second mobile terminal device related to another of said users*.

However, Demers teaches that *the server is a second mobile terminal device related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Although implicit in Varland, the combination of Varland and Demers does not *explicitly* disclose that the terminal comprises:

- an interface to a wireless communication network for exchanging data with at least one server connected to said wireless communication network;*
- a database to store identification data and preference data of a user of said terminal device; and*

-a processor connected to said interface and said database.

However, Zanchi teaches such an interface [Zanchi: Claim 6 (“port couples... by a wireless connection”)], such a database [Zanchi: Claim 1 (“session preference memory... storing preferences”)], and such a processor [Zanchi: Claim 1 (“controller”)].

Varland-Demers and Zanchi are analogous art in the same field of endeavor, as both cover matching of user profiles in a networked environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers with the memory card and hardware scheme of Zanchi for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers would allow for users to transfer profiles seamlessly from one device to another [Zanchi: Column 2 Lines 37-38 and 46-48].

Regarding claim 13, Varland-Demers-Zanchi teaches that *said processor is further configured to access a multiple access online application via a wireless communication network, in accordance with said received data to enable said access of said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 14, Varland-Demers-Zanchi discloses *an interface for connecting an exchangeable memory device* [Zanchi: Figure 1 and Column 2 Lines 49-51].

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Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in view of Sutcliffe in further view of Taniguchi et al. (US 2002/0013869 A1, hereinafter *Taniguchi*).

Regarding claim 15, Varland teaches *a terminal operating as a server comprising:*

-a database to store data received from said terminal devices [Varland: Figure 1 (“Client DB” and “Position DB”)];

-means for comparing said received preference data with preference data of at least a third other user for determining users of substantially matching preference data [Varland: Figure 1 (“Match DB”)]; and

-means for sending a notification to each of said mobile terminals related to said determined users [Varland: Claim 1 (“notification signal”)]

-wherein said interface is adapted to receive a preference profile including identification data and preference data from at least one other mobile terminal [Varland: Page 3 (2) Lines 1-2 and 9-14], and said database is adapted to store said preference profile [Varland: Figure 1 (“Client DB” and “Position DB”)].

Varland does not explicitly disclose that *the server is a terminal device related to a user.*

However, Demers teaches that *the server is a terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of

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ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Although implicit in Varland, Varland-Demers-Sutcliffe does not *explicitly* disclose:

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-an interface to a wireless communication network for exchanging data with terminal devices connected to said wireless communication network;

-and a processor being connected to said interface and said database to process data;

However, Taniguchi discloses such an interface [Taniguchi: Paragraph 0121] and such a processor [Taniguchi: Paragraph 0121].

Varland-Demers-Sutcliffe and Taniguchi are analogous art in the same field of endeavor, as both cover client-server communication on a wireless network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers-Sutcliffe with the server components of Taniguchi for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers-Sutcliffe would allow for a physical implementation of the system.

Regarding claim 16, the combination of Varland-Demers-Sutcliffe and Taniguchi discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

(10) Response to Argument

A. Applicant argues that none of the references discloses or suggests all of the claimed operations are being performed by a single mobile terminal device that receives the preference profile.

Examiner agrees that no single reference teaches *all* of the claimed operations being performed by a single mobile terminal device. However, each of the operations is taught by Varland as being performed either by the clearinghouse unit or its operator intermediaries. Whereas Varland is silent as to the mobility of the clearinghouse unit, Demers clearly discloses the use of a mobile terminal for server/clearinghouse purposes. The combination of Varland and Demers constitutes merely consolidating the functionality of Varland's clearinghouse unit and its operator intermediaries into a single mobile terminal device. Such rearrangements of parts and the making portable of devices, with no unexpected or surprising results arising therefrom, are obvious and non-novel. Kindly see also MPEP 2144.04 subsections V and VI.

While Applicant raises the argument that the privacy functionality of Varland might be compromised in such a combination, Examiner notes that one of ordinary skill in the art at the time the invention was made would easily be able to design the system such that such functionality was not lost -- for example, by the use of one-way hashing of personal information or simply by limiting the amount of information stored on the mobile server device. Kindly see also MPEP 2144.04 subsection II(A), "Omission of an Element and its Function Is Obvious if the Function of the Element is Not Desired".

B. Applicant additionally argues that none of the references discloses or suggests the server performing the claimed operations is a single mobile device.

Examiner agrees that no single reference teaches that the server performing the claimed operations is a single mobile device. However, each of the operations is taught by Varland as being performed either by the clearinghouse unit or its operator intermediaries. Whereas Varland is silent as to the mobility of the clearinghouse unit, Demers clearly discloses the use of a mobile terminal for server/clearinghouse purposes. The combination of Varland and Demers constitutes merely consolidating the functionality of Varland's clearinghouse unit and its operator intermediaries into a single mobile terminal device. Such rearrangements of parts and the making portable of devices, with no unexpected or surprising results arising therefrom, are obvious and non-novel. Kindly see also MPEP 2144.04 subsections V and VI.

C. Applicant further argues that none of the references discloses or suggests the server is a second mobile device related to another user and has access to a multiple access online application. Applicant also argues that the references do not disclose or suggest the claimed interrelationship of the interface, the database, and the processor.

Again, Examiner agrees that "the server" of Varland is not a mobile device. However, as noted above, making the clearinghouse server with its operator intermediaries mobile is an obvious modification as supported by Demers. Examiner also notes that the mobile devices of Varland are related to users; therefore, the mobile server of Varland-Demers would also be related to a user.

Examiner relied on Zanchi to teach the combination of a network interface, a database and a processor. Examiner agrees that Zanchi does not teach the entirety of the claimed invention. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, even if Zanchi was not relied upon to teach the claimed interrelationship of the interface, the database, and the processor, such a relationship is, at the very least, implicit in the base reference of Varland. A mobile computing device communicating via a wireless network and storing data inherently has a processor with which to “compute”, a wireless network interface with which to communicate wirelessly, and a database with which to store data. Clearly these elements must be connected, directly or indirectly, for the wireless mobile device to function.

D. Finally, Applicant argues that none of the references discloses or suggests the claimed relationship between the mobile terminal devices.

Applicant specifically states that Sutcliffe “does not relate to ‘comparing said received preference data with preference data of at least a third other user for determining users of substantially matching preference data’”. However, Varland is used in the rejection to teach this feature. Sutcliffe is used to teach the particular matching criteria, specifically that *the comparison is based on a user-defined degree of non-*

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matching preference data included in the preference data related to the user [Sutcliffe: Column 9 Lines 6-10 and 25-27]. As such, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant states that the teachings of Taniguchi would not have led the skilled artisan to modify Varland-Demers-Sutcliffe to arrive at the subject matter of claim 15. Examiner relied on Taniguchi to disclose that the combination of a network interface, a database and a processor is well-known, even standard, in the art. Examiner agrees that Taniguchi does not teach the entirety of the claimed invention. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Furthermore, even if Taniguchi was not relied upon to teach the claimed relationship of the interface, the database, and the processor, such a relationship is, at the very least, implicit in the base reference of Varland. A mobile computing device communicating via a wireless network and storing data inherently has a processor with which to “compute”, a wireless network interface with which to communicate wirelessly, and a database with which to store data. Clearly these elements must be connected, directly or indirectly, for the wireless mobile device of Varland to function.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/IH/

Imad Hussain

Conferees:

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